

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CURTIS ROSE,

Plaintiff,

v.

CARL S. ANDERSON (Warden),

Defendant.

: Case No. 1:05cv1018
:
: JUDGE KATHLEEN O'MALLEY
:
: ORDER
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:
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Curtis Rose has petitioned this Court for a writ of *habeas corpus* pursuant to 28 U.S.C. §2254, in which he challenges the constitutional sufficiency of his conviction for felonious assault. In sum, Rose's petition asserts: (1) that he was deprived of his constitutional right to effective assistance of counsel; and (2) that he was deprived of due process.

Rose's petition was referred to a magistrate judge of this Court, pursuant to 28 U.S.C. §636(b)(1)(C). The magistrate judge issued a Report and Recommendation ("R&R") (Doc. 12) in which he recommended that Rose's petition be denied his case dismissed. Rose has not filed any objections to the R&R. Because the Court reaches the same conclusions as the magistrate judge, no further articulation of its reasoning is required. *Tuggle v. Seabold*, 806 F.2d 87, 92-93 (6th Cir. 1986).

Accordingly, the magistrate judge's R&R is ADOPTED, and Rose's petition, and his case, is DISMISSED. Pursuant to 28 U.S.C. §1915(a), the Court certifies that an appeal *in forma pauperis* from this decision would be frivolous and could not be taken in good faith.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: February 15, 2006